

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 MYKAL S. RYAN,

11 Plaintiff,

12 v.

13 MARY T. MORGAN, individually, and
14 as attorney for LEE M. QUICK, and
Does 1 through 20, inclusive,

15 Defendants.

Civil No. 11cv0685 JAH (CAB)

**ORDER DENYING PLAINTIFF'S
MOTION TO FILE A COMPLAINT
WITHOUT PREJUDICE
[Doc. No. 47]**

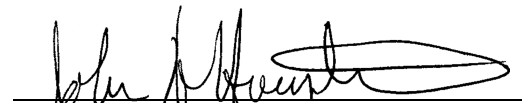
16 Pending before the Court is Plaintiff's motion to file a complaint against Christy
17 Babbitt, Timothy M. Hyden, Matthew S. Toth and Diane Wales for their alleged actions
18 enforcing civil judgments against Plaintiff. This Court previously issued an order declaring
19 Plaintiff a vexatious litigant and directing him to seek court approval prior to filing any
20 action in a federal district court based upon the issues raised in Plaintiff's prior complaints
21 discussed in the order. Plaintiff's request falls within the parameters of that order.

22 However, Plaintiff filed a notice of appeal with the Ninth Circuit Court of Appeal
23 challenging the propriety of the vexatious litigant order. See Doc. No. 42. The filing of
24 a notice of appeal generally divests the court of jurisdiction of the issues involved in the
25 appeal. See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982).
26 However, the Court may, in its discretion, take action to preserve the *status quo* if justice
27 so requires. See McClatchy Newspapers v. Cent. Valley Typographical Union No. 46, 686
28 F.2d 731, 734 - 35 (9th Cir. 1982). Enforcement of the vexatious litigant order is proper.

1 The Court finds Plaintiff's request to file a complaint should be denied. Plaintiff
2 fails to establish personal jurisdiction over the proposed parties or venue is proper in this
3 Court. . This Court previously found Plaintiff's "attempts to prosecute actions against the
4 parties in San Diego despite the fact the named defendants are clearly not subject to
5 personal jurisdiction in California, and the activities giving rise to the causes of actions
6 happened completely outside this state" abusive. See Order at 10 (Doc. No. 39).

7 Accordingly, IT IS HEREBY ORDERED Plaintiff's motion to file a complaint
8 against Christy Babbitt, Timothy M. Hyden, Matthew Toth and Diane Wales is
9 **DENIED.**

10
11 Dated: March 10, 2014


JOHN A. HOUSTON
United States District Judge